

REMARKS/ARGUMENTS

Applicant once again wishes to thank the Examiner for examining the application. Claims 1-13 were originally filed. Claims 3, 9, and 12 are canceled without prejudice. Claims 1, 2, 4-8, 10-11, and 13 are now pending in this application. Claims 1, 2 and 4 have been amended. Support for amended claims 1 can be found in claim 3. Support for amended claim 2 can be found in claims 1 and 3. Support for amended claim 4 can be found in claims 1, 3 and page 9 of the specification. Applicant respectfully requests reconsideration of the pending rejections and reexamination of the present application in view of the following remarks.

Claim Objections

Claims 2, 9, 12 are objected to under 37 CFR 1.75 (c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has amended the claims pursuant to the Examiner's recommendation. Specifically, Claim 2 has been amended as an independent claim. Claims 9 and 12 have been canceled.

Accordingly, withdrawal of this objection is respectfully requested.

Claims rejection – 35 USC § 103 (“Boulos, Gavish and Tedeschi”)

Claims 1-13 are rejected under 35 USC § 103(a) as allegedly being obvious over Boulos et al. (US Pat. 6,904,073) in view of Tedeschi et al. (Acad.Sci. 2002 Vol. 973,pp 435-437) and Gavish et al. (Lipoprotein (a) reduction by N-acetylcysteine, Lancet 1991, Vol 337, pp.204) Applicant wishes to draw to the Examiner's attention that prior art Murad (US 2002/0127256) as mentioned in page 2 of the final office action was not addressed anywhere in the office action as to how it renders the present invention

obvious. In this respect, applicant believes it was placed in the office action inadvertently.

In any case, applicant has amended claim 1 by incorporating the limitation of claim 3. Specifically, claim 1 has been amended so that even if Boulos et al., Tedeschi et al. and Gavish et al. are combined, there is no *prima facie* obviousness because not all claim limitations are taught or suggested by the combined prior art. Indeed, nothing in Boulos, Tedeschi or Gavish suggests a composition comprising lysine, proline, arginine, vitamin C, magnesium, green tea extract, N-acetyl-cysteine, selenium, copper, manganese and one or more of the following substances; Molybdenum, Potassium, Citrus Bioflavonoids, L-Carnitine, Glucosamine, Taurine, and Chondroitin Sulfate. In this context, as stated by CCPA in *In re Rayka*:¹

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

Likewise, in *In re Wilson*, CCPA also stated as follows:

"All words in a claim must be considered in judging the patentability of that claim against the prior art."²

In this respect, because the combined prior art does not suggest all the limitations as to the amended claims, application respectfully submits that *prima facie* obviousness is not established.

Accordingly, applicant requests that the claims be issued.

¹ *In re Rayka*, 490 F.2d 981, 180 USPQ 586 (CCPA 1974).

² *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

CONCLUSION

For at least the reasons set forth herein, Applicant respectfully submits that all the rejections have been overcome and all the pending claims are allowable. Accordingly, withdrawal of the rejection and allowance of the present application is warranted. If the Examiner has any questions pertaining to this application or feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (650) 941-1196.

Applicant respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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